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SUBJECT: ARGENTINA: DRAFT MISSION RESPONSE TO OPPOSITION  
POLITICIAN'S CLAIM OF U.S.-ARGENTINE NEGOTIATIONS ON MIAMI CASE

REF: BUENOS AIRES 0124 AND PREVIOUS

11. (U) Action Request -- para 5.

12. (SBU) Argentine opposition leader Elisa Carrio, who was the runner-up in the October 28 presidential election with 24% of the vote, publicly released a letter to the Ambassador on January 31 voicing concern about "rumors" that, in order to improve bilateral relations, the Embassy had negotiated with the GOA "to moderate, hide and compartmentalize evidence related to the prosecution under way in Miami."

13. (SBU) Shortly after the announcement of the December 11 arrests in Miami of four defendants alleged to be agents of the BRV, Carrio had welcomed the U.S. investigation, publicly lauding the impartiality and independence of the U.S. judicial system. She asserted then that the U.S. investigation would unearth the source and destination of the \$800,000 intercepted in August by the GOA. Her January 31 letter and public statements indicate she reversed course after deciding the U.S.-Argentine rapprochement did not accord with her political needs. The text of her letter follows in para 4, and the Ambassador's draft reply (for Washington clearance) follows in para 5.

14. (SBU) Embassy informal translation of the January 31, 2008, letter to the Ambassador signed by Elisa Carrio and other leaders of the opposition "Civic Coalition:"

Dear Ambassador E. Anthony Wayne:

The Civic Coalition, leading opposition force in the Argentine Republic, has closely monitored the case involving Alejandro Guido Antonini-Wilson who illegally brought a suitcase with US \$800,000 into Argentina and who is under investigation by our justice system for money laundering. This case also prompted the justice system of the district of Miami, U.S., to institute proceedings based on the collaboration of Alejandro Antonini-Wilson against five citizens, four of them from Venezuela and one from Uruguayan origin, alleged to be agents operating in the United States. These people were accused of operating as foreign operatives with the objective, as district attorney Tomas Mulvihill pointed out (case 07-3113-M-DUBE, official transcript) of "subverting Argentine justice with false evidence to hide the true origin and destination of the money," referring to the use of such money, "as being meant for the presidential campaign of the eventual winner of the Argentine election, Cristina de Kirchner."

From the very first day the Civic Coalition learnt that an investigation had been opened by the Justice system in Miami we decided to follow the case and even sent two national legislators to the trial sessions in the belief that it was highly important for Argentina that this case be clarified. Then, during the session of the House of Deputies held in December 19, the Civic Coalition bloc voted against the repudiation of the United States prompted by the

official administration, and that the President of the Nation herself had called a "trash operation," since we consider that in republican nations the role of the Executive can not be confused with that of the Justice system and that repudiation of the United States meant ignoring the separation of powers.

It is for the above reasons that we are deeply concerned about rumors of alleged complicity between the diplomatic representation of the United States and the Argentine government to tone down, hide or compartmentalize evidence related to the prosecution underway in Miami in order to improve bilateral relations between both countries.

The Civic Coalition believes in the independence of the Justice system here and in every other country in the world and hopes that an accusation as serious as that made by district attorney Mulvihill, saying that the purpose was to forge evidence to mislead the Argentine justice system about the origin and destination of the cash, is not an item for barter and complicity between your government and the government of our country.

Both republics must respect the independence of Justice systems and should not play with such an important value.

I hope you can clear these doubts for us.

Sincerely,

Elisa Carrio, Civic Coalition President  
Adrian Perez and Patricia Bullrich, Civic Coalition's Leaders in the National Chamber of Deputies

15. (SBU) Action request: Embassy requests Washington clearance of the following draft reply from the Ambassador to the letter above:

Dear Ms. Carrio, National Deputy Perez, and National Deputy Bullrich:

Thank you for your correspondence of January 31.

Regarding the concerns that you expressed, I would like to point out that the criminal prosecution underway in Miami is against four of the five defendants alleged to be agents of the Venezuelan government operating in the United States without notifying the Attorney General as required by law. One of the defendants has already pled guilty to that charge. It is not an investigation into the violation of Argentine laws. I have attached for your information a copy of my January 31 public comments on these matters.

The Embassy has not negotiated and would not negotiate to "moderate, hide or compartmentalize evidence related to the prosecution in Miami in order to improve bilateral relations," nor does it have the authority to do so. As we have said repeatedly in recent weeks, the court case in Miami is proceeding independently of any foreign policy or political considerations and will continue to do so. This is the way the judicial process operates in the United States.

The separation of powers built into the U.S. constitution, in particular the independence of the judiciary, is a hallmark of the democratic system in the United States. Maintaining the integrity of our courts and our judicial process is vital to our democracy.

Sincerely,

1E. Anthony Wayne

WAYNE